

Martha Dziwlik
July 11, 2023

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UNITED STATES DISTRICT COURT
for the
SOUTHERN DISTRICT OF INDIANA

JOHN DOE,)
)
Plaintiff,)
)
VS.)Civil Action No.
)1:22-cv-01828-SEB-MG
BUTLER UNIVERSITY,)
)
Defendant.)

The oral deposition of
MARTHA DZIWLICK,
taken by counsel for the Plaintiff on the 11th
day of July, 2023, via Zoom, before Heather S.
Orbaugh, Notary Public in and for the County of
Boone, State of Indiana, CCR: LA.

FILLENWARTH REPORTING SERVICE
775 Hummingbird Lane
Whiteland, Indiana 46184
(317) 345-6179
vfillenwarth@gmail.com

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1 A P P E A R A N C E S

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3 FOR PLAINTIFF:

4 Mr. Jonathan Little
5 SAEED AND LITTLE, LLP
6 8777 Purdue Road
7 Suite 226
8 Indianapolis, Indiana 46268

9

10

11 FOR DEFENDANT:

12 Ms. Liberty Roberts
13 CHURCH CHURCH HITTLE & ANTRIM
14 10765 Lantern Road
15 Suite 201
16 Fishers, Indiana 46038

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1 A No.

2 Q Okay. Does Butler -- you mentioned
3 Butler hosting trainings, did Butler provide the
4 materials or did outside trainers provide the
5 materials?

6 A The one that I attended that I remember,
7 the organization that came in provided the
8 materials. I believe Butler paid for them, but
9 they were provided to all of us.

10 Q Do you remember approximately when that
11 was?

12 A That one was back in 2014.

13 Q Okay. Has Butler, if you know, done any
14 trainings since 2019 or 2020?

15 A I can't tell you for sure.

16 Q All right. Have you had any other
17 specific trainings in Title IX that you can
18 recall that we haven't discussed?

19 A I know there are other programs that I
20 participated in, but to give you the names and
21 dates, I can get you that. I have it, I just
22 don't have it with me. So I know I did
23 participate in other trainings.

24 Q That would be great if you could get
25 that. Just give it to Libby and we will request

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1 it.

2 Has Butler ever had any trainings that
3 you remember specifically for Butler employees
4 about Butler's Title IX policy?

5 A Yes, and that is provided by the Title IX
6 coordinator.

7 Q So when did Maria Kanger take over as
8 Butler's Title IX coordinator?

9 A Maria never reported to me in that role
10 so I don't know when she started. I know, you
11 know, when we intersected and at one point in
12 fall of '21 she began reporting to me in the
13 Assistant Dean of Students role, which was
14 student conduct, but she was still reporting to
15 Dr. Frank Ross in her role as Title IX
16 coordinator.

17 Q So Maria never reported to you in her
18 Title IX role?

19 A Correct.

20 Q And she reported to Dr. Frank Ross you
21 said?

22 A Correct.

23 Q Did she report -- do you know, did Maria
24 ever report to the general counsel in her Title
25 IX role? Was that ever --

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1 A I don't believe so.

2 Q Dr. Frank Ross, is he still at Butler?

3 A He is. He is the Vice President of
4 Student Affairs.

5 Q Who does he report to?

6 A The president, James Danko.

7 Q What did you do to prepare for today's
8 deposition?

9 A I spent a long time reviewing all of my
10 communications with the student, his parents, all
11 of my E-mails. I created a timeline to refresh
12 my memory on everything that's happened that I
13 intersected with. I talked to our Director of
14 Residence Life who reports to me, Shannon
15 Mulqueen, as it relates to more information on
16 residence life and the mediation process,
17 anything to do with roommates.

18 At the time of this incident or when this
19 went on, I was not in charge of residence life
20 and there was a different director of residence
21 life so I wanted to familiarize myself with that
22 information.

23 Q You mentioned you made a timeline?

24 A I did.

25 Q Can you -- is that something you could

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1 get to Libby?

2 A I can.

3 Q Okay. Great. Did you review any other
4 documents that you haven't already mentioned?

5 A No, it was everything that I provided to
6 Libby or that's been provided or requested that
7 has to do with this, so probably anything that
8 was in my E-mails. If there were attachments or
9 any documents, it would be what was in there.

10 Q So you mentioned E-mails, did you E-mail
11 with [REDACTED] about this case?

12 A We had a couple E-mails, minimal.

13 Q What about his mother?

14 A I had several phone calls with her and I
15 know of at least one E-mail and she left me one
16 voicemail that I am aware of.

17 Q Let's talk about the phone calls with his
18 mother, do you remember how many phone calls you
19 had with [REDACTED]?

20 A I am aware of two and she called our
21 office on Tuesday, March 9th, the Dean of
22 Students Office, to report a concern just
23 generally. It wasn't to seek me out, it was to
24 call our office and say she was concerned, she
25 wanted a welfare check for her son.

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1 Q Okay.

2 A I spoke with her that morning and then I
3 spoke with her and her husband later that day.

4 Q Those were the two phone calls you
5 remember?

6 A Yes.

7 Q So March 9th, were those -- can you take
8 a look at Exhibit 2 just for --

9 (Exhibit 2 marked.)

10 MS. ROBERTS: I have got them
11 printed out here, Jon, but I am not sure which
12 one is 2. Is that the --

13 MR. LITTLE: 2 is the -- it has
14 got a big redaction on the top of it. It is a
15 March 10 E-mail.

16 MS. ROBERTS: Okay.

17 MR. LITTLE: March 10, 2021. It
18 has got a big redacted strip across the top,
19 Libby, and it says from [REDACTED], copied to
20 [REDACTED]?

21 MS. ROBERTS: Got it, yes.

22 MR. LITTLE: All right. Perfect.

23 Q So this is the day after you talked to
24 [REDACTED] twice and her and her husband once,
25 right?

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1 A Correct.

2 Q Okay. When you said a welfare check,
3 does Butler do welfare checks?

4 A We can. So a student -- a welfare check
5 is generally when you are worried enough about
6 somebody's safety, if it is to that point, we
7 would send somebody from Butler Police.

8 Q Okay. Do you know if Butler did that in
9 this case?

10 A Well, because I called her back and we
11 had a conversation, she didn't feel like it rose
12 to that level, so at that time Butler Police did
13 not do one.

14 Q Okay. What else do you recall about the
15 conversation you had just with [REDACTED] first?

16 A Well, she called and asked about the
17 welfare check, we talked about 30 minutes, and I
18 explained that a welfare check would involve
19 Butler Police Department going to check on him in
20 his room if she was concerned for his safety and
21 she said that was not needed at the time which is
22 why we didn't send an officer to his room.

23 She said that last week her son had had a
24 conversation with his RA and a number of other
25 students and he was told that they didn't

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1 understand his signals, whatever that meant was
2 what she explained.

3 He had talked with his RA, he had run
4 into some current roommates that day and one of
5 those roommates told █ that he had talked to
6 the Dean of Students multiple times and to the
7 police. She said █ was totally devastated and
8 had no idea what had happened or what he had
9 done. His mom asked him multiple questions about
10 did you rape her, did you talk about her body?
11 He told his mom that they had made out once last
12 year but that he said, no, he did not rape her.

13 She said he has zero idea what he did.
14 She said he is in his room, he is not eating, he
15 doesn't know what this thing is that he did and
16 he is not putting it together. She asked me
17 directly if I had met with this roommate,
18 █, multiple times. I confirmed I met with
19 her once and she asked me if her son's name came
20 up and I told her we didn't discuss her son and I
21 couldn't share any more with her about the
22 conversation because of FERPA. She said she
23 understood that.

24 And then I also explained I needed █'s
25 permission to have more detailed conversations

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1 with her about anything because it was his
2 student record. She said she understood that and
3 that she would talk with him about getting that
4 permission granted.

5 Q So I have got to ask you, did you just do
6 all that from memory or do you have some notes in
7 front of you?

8 A You asked me what I did to prepare, this
9 was part of -- I had this, I wrote this a long
10 while ago and so as a summation to keep current
11 of what was going on, so I had written this.

12 Q Okay. Is that something you can make
13 sure you give a copy to Libby?

14 A Absolutely.

15 Q Okay. All right. So you talked to
16 [REDACTED] and then you talked to her later in the
17 day; is there anything about the conversation
18 later in the day that you had with her and her
19 husband that you can recall?

20 A Sure. So I called her back and I had
21 explained that I did have permission from [REDACTED] to
22 talk to them. I confirmed [REDACTED] had no conduct
23 record with the university, there were no
24 allegations pending against him, that he was
25 considered in good standing.

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1 I explained if there were to be
2 allegations he would be notified, that he has
3 rights and he could have an advisor and a conduct
4 process. It is a very transparent process, they
5 could read about it in the student handbook, and
6 I also shared that students can contact BUPD,
7 Butler Police, if they needed to as a resource.

8 I encouraged the parents to talk with him
9 and have ████ walk them through the meeting that
10 took place with the residents and the RAs. And
11 they had told -- they said he told them but he
12 still just didn't know what he did. And then I
13 have probably 12 bullet points of quotes that I
14 took; do you want me to read those to you?

15 Q Yes, please.

16 A Okay.

17 Q These are quotes from who?

18 A These are quotes from the parents.

19 Q Okay.

20 A I was taking notes as I was talking to
21 them. So these are all quotes. "This is
22 frightening and scary. It is threatening and
23 troubling that ████ would bring up these
24 accusations that she has met with Martha a few
25 times. They can't get away with this," Mom said

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1 in reference to what [REDACTED] had done in telling
2 him, [REDACTED], that she had talked with the police
3 and the dean.

4 "I am aware of the 'me too' thing," Mom
5 offered.

6 "He is the victim," parents both shared
7 that statement.

8 [REDACTED] was described as, quote, "incredibly
9 sensitive, not that resilient, and being abused
10 in this situation," unquote.

11 The parents asked, quote, "Are some
12 people undertaking a campaign to make his life
13 miserable," unquote.

14 They considered this, quote, "super
15 unnerving what [REDACTED] said and they want to get to
16 the bottom of it," unquote.

17 "He tried to talk to his RA the night
18 before who encouraged him to, quote, let the dust
19 settle."

20 Dad said, "He," [REDACTED], "is, quote, very
21 rational." Mom said he is, quote, "not
22 rational."

23 [REDACTED] is, quote, "incapable of aggression
24 even when warranted," unquote.

25 Quote, "This is an incredible attack on

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1 his character."

2 Quote, "His character is assailed with no
3 recourse."

4 Quote, "He is not getting information he
5 can understand and wants to be pulled into the
6 conversation."

7 Quote, "He is such an outlier, naive, and
8 has so much to learn."

9 Quote, "His friends clobbered him."

10 So in response to that conversation I
11 told them that I needed some time to gather more
12 information and I would get back to them when I
13 was able with an update. They asked if I would
14 please reach out to [REDACTED] to hear his side of the
15 story and help him understand. I told them I had
16 his contact information if that was needed.

17 After a phone call and later that night I
18 received two E-mails from [REDACTED], one was to his
19 professors asking for accommodations and copying
20 me. I replied and told him that we needed to
21 talk before those requests were made. He
22 E-mailed me back and apologized. And the second
23 E-mail was to Bridgette Bussey, the then Director
24 of Residence Life requesting a room change.

25 Q Okay. So that is the same night, March

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1 9th, right? The evening of March 9th?

2 A Correct.

3 Q Okay. What did you do in an attempt --
4 did you attempt to gather more information?

5 A My conversation with him was around 8:00
6 o'clock at night, and when I wrote him back and
7 said, "I am just reading this, you copied me,"
8 and when I wrote him back, I copied the faculty
9 because I wanted them to be aware that I had not
10 requested this accommodation and I didn't know
11 anything about it, because prior to contacting
12 faculty I would always want to talk to the
13 student to understand what was going on.

14 So I sent that replay to him, I copied
15 the faculty, never heard back from the faculty at
16 that point but it was evening, and then he wrote
17 back, [REDACTED], and said he was sorry about E-mailing
18 them before we had met, he had never done
19 something like this and he hoped we could talk
20 soon. And that was the last communication we had
21 that Tuesday night.

22 Q Can you take a look at Exhibit 3?

23 (Exhibit 3 marked.)

24 MS. ROBERTS: I am sorry, I don't
25 have them labeled.

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1 MR. LITTLE: Oh, yes, sorry. It
2 is the E-mail, it is redacted again at the top,
3 but it is I believe -- it is from [REDACTED] on April
4 5, 2021, from Martha to [REDACTED].

5 A Yes.

6 Q All right. So there is a March 9
7 correspondence about --

8 A Correct.

9 Q -- accommodations? And that's not what
10 is in Exhibit 3, correct?

11 A Exhibit 3 is the April 5 E-mail.

12 Q So did [REDACTED] ask twice again about -- did
13 [REDACTED] ask on March 9 for accommodations and on
14 April 5 for accommodations?

15 A On March 9 he said let's meet.

16 Q Okay.

17 A He reached out to his faculty on his own
18 and at his parents' request I found out, their
19 urging, requesting accommodations. I reached out
20 and said, hey, we need to talk first and that was
21 Tuesday night. Wednesday he met with counseling
22 services and came to the determination to go
23 home. On Thursday -- either Wednesday night or
24 Thursday he left and went home to Seattle.

25 And so I had no more communication with

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1 him at that point because by Thursday his mom had
2 contacted Butler Police and was alleging stalking
3 and so the case or the information was forwarded
4 to Maria Kanger, the Title IX coordinator at the
5 time to look at it through that lens and I was no
6 longer running point on that, she was, and so I
7 was waiting for instruction.

8 Q So after March -- after Thursday, March
9 11, you were waiting for instructions from Maria?

10 A Well, from the student. So what would
11 happen is we can talk with students at any time
12 for any reason when they feel -- they believe
13 they are entitled to some sort of accommodation.
14 And so Maria during that time, I am going to call
15 it a month, from like March 9 to April 5, she was
16 having conversations with him.

17 So if there was a need for an
18 accommodation based on her process or the
19 university's sexual misconduct process, that
20 would be something she would be aware of and
21 addressing, and it wasn't until April 5 that she
22 circled me into an E-mail with [REDACTED], which I
23 think you have a copy of, saying we are to the
24 point that we need to ask Martha for an
25 accommodation, and it was an E-mail to me and

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1 [REDACTED] from Maria. And I got that on April 5 and I
2 sent the request on April 6 to the faculty.

3 Q And did [REDACTED] ultimately receive
4 accommodations after April 6?

5 A Yes. And he may have received them
6 during the interim. Students can contact faculty
7 whether I am involved in it or not for any sort
8 of accommodation because we really encourage that
9 student advocacy. So it is possible he was
10 getting accommodations prior to Maria asking me
11 to formally ask.

12 Q Okay. Do you know if Butler gave
13 accommodations to [REDACTED]?

14 A I do not know.

15 Q Who would know that?

16 A If the request was made, it would be
17 through Maria Kanger. So if somebody was looking
18 for an academic accommodation, if it gets to the
19 point that there is a hearing, a Title IX
20 hearing, I would be the person that would send a
21 request for like the day of the hearing to excuse
22 the student from classes. So I can go back and
23 check and tell Libby if I sent one on [REDACTED]'s
24 behalf for when that hearing ultimately did take
25 place.

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1 Q That would be great. Thank you for doing
2 that. Let's go back to you said there was a
3 stalking allegation by [REDACTED]'s parents that was
4 sent to Butler PD and Maria, correct?

5 A What I am aware of is that the Thursday,
6 March 11, Assistant Captain Sweeney, Diane
7 Sweeney, and Butler Police reached out to me to
8 let me know that she had been contacted or there
9 was a voicemail from [REDACTED]'s mom to dispatch and
10 it alleged something about stalking. It was a
11 vague message.

12 And so Diane in her role called the mom
13 back, left a message and said let's talk, and
14 then never heard back from the mom. I
15 acknowledged that I was aware of the student and
16 what was going on in terms I just had been made
17 aware of this and that it was being handled
18 through Title IX initially. So Captain Sweeney
19 was going to connect with Maria.

20 Q So did Maria exclusively have -- well,
21 who had authority to initiate a Title IX
22 investigation at Butler in the spring of 2021?
23 Like who said, okay, this is going to be
24 investigated? Is that just Maria?

25 A That would be Maria, yes.

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1 you make in deciding whether or not to facilitate
2 those academic accommodations?

3 A Well, it depends on the nature of the
4 request. I am not able to tell the faculty that
5 they have to do it, I can make the request, you
6 know, and that we really advocate for students to
7 advocate for themselves to have follow-up
8 conversations with the faculty.

9 And so depending on, like I said, if it
10 is, hey, there is a test tomorrow morning,
11 absolutely we need to stress the urgency of
12 rescheduling that test or letting them take it at
13 a different time, but a student could be asking
14 for an accommodation that is not -- I would know
15 that is not going to be a problem and so that we
16 need to have a conversation prior -- that I
17 wouldn't make a request for that because it is
18 not something that will be an issue.

19 Q Well, I was thinking more like, you know,
20 student safety, student safety concern, we want
21 to make sure that Susie doesn't run into Joey or
22 something like that. How do you -- what factors
23 do you consider and say, okay, well, that's, you
24 know, she is just being a little soft, I am not
25 going to do that versus like, okay, that's really

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1 something I need to look at? I was looking more
2 for the factors.

3 A Okay. So if it is a student safety or
4 there needs to be a no contact, that is done
5 prior to coming to me from the Title IX
6 coordinator, so I don't have a role in a no
7 contact order in a case of Title IX. The
8 coordinator would -- so if two students, for
9 example, were in the same class, there would be a
10 no contact order issued for both of them. And if
11 a student actually had to be moved out of that
12 class, the Title IX coordinator would probably
13 work with the registrar to literally find out
14 what other section is available. So that is
15 determined by the Title IX coordinator.

16 Q Got it. So the Title IX coordinator does
17 have a lot of authority to go and facilitate some
18 of these accommodations on their own?

19 A Yes, I would say at the higher level when
20 you are actually talking about leaving a student
21 out of a classroom, that is not a common
22 accommodations request. Usually it is a student
23 participating and they are just stressed out and
24 they are having trouble focusing, that would come
25 from me because it is a general request to

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1 faculty that doesn't identify the student is
2 going through that process.

3 Q Okay. But for a major thing like a class
4 splitting, that would probably identify the
5 student as going through the process then and
6 that would have to be --

7 A It could, but if the Title IX coordinator
8 is working with the registrar, that's different
9 than talking to the actual faculty member, you
10 know, because it doesn't -- the registrar hearing
11 that is different than the faculty member, but it
12 could.

13 Q Okay. Let's talk about mediations. What
14 are mediations about at Butler in the resident --

15 A In Residence Life?

16 Q Yes, please.

17 A So mediations are conducted by resident
18 assistants, the undergraduate resident assistants
19 typically with roommates or groups of people
20 living in a pod, residents prior to ever
21 considering a room move or -- well, prior to
22 doing a room move. So that's what happens, they
23 have a mediation with the parties involved.

24 Q So prior to room moves, there is always a
25 mediation; is that a true statement?

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1 A That is a true statement, unless
2 somebody's safety is on the line and we need to
3 move somebody to a safe space until we figure out
4 what's going on.

5 Q And is there any training given to these
6 undergraduate mediators?

7 A Yes. So all resident assistants are
8 required to go through a five to six to seven-day
9 training period, formal training period in August
10 prior to the start of classes, and then those
11 hired mid-year go through the same training, it
12 is repeated in January.

13 Q Where could I get a copy of the training
14 provided to the mediators in the 2020-2021 school
15 year?

16 A I could go back and talk to our Director
17 of Residence Life and get you a copy of that. I
18 know that there is a session on mediation that
19 everybody is required to complete, they have to
20 take a -- there is an RA test that covers all the
21 modules and so the RAs would have to pass all of
22 those as a written exam. It is online but I mean
23 it is an exam.

24 Q Who is the person you would talk to to
25 get a copy of that?

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1 A Shannon Mulqueen is the Director of
2 Residence Life.

3 Q And you talked to Ms. Mulqueen to prepare
4 for this deposition today?

5 A I did.

6 Q What did you and her talk about?

7 A We talked about I wanted to get the dates
8 of the RA training that took place for the two
9 RAs that were involved in this process, so we
10 talked through that.

11 Q What were those dates?

12 A There was one in August, August 9-15,
13 2020, it was all virtual because of the Pandemic.
14 And then there was another one January 11 through
15 13, 2021.

16 Q If you could get the copies of those
17 trainings, those are the ones -- the mediation
18 portions of those trainings, those are the ones I
19 would like to see.

20 A Okay.

21 Q And then what else did you and
22 Ms. Mulqueen talk about?

23 A She was the assistant director at the
24 time, so Bridgette Bussey was the Director of
25 Residence Life then so we talked a little bit

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1 about Bridgette leaving and, you know, just the
2 logistics of this student during that time and
3 what Shannon remembered.

4 Q Can you spell Shannon's last name?

5 A Sure. M-u-l-q-u-e-e-n.

6 Q Okay. And what did she remember?

7 A We discussed [REDACTED]'s request, initial
8 request thinking he wanted another -- wanted to
9 be moved rooms the week of the 9th. This was the
10 week following the roommate mediation and Mom
11 being involved and calling residence life pretty
12 emphatic about this roommate change needing to
13 happen and then what happened during that 24
14 hours.

15 Q Okay. What did she say?

16 A The request was made on -- let's see, I
17 talked to the parents on that Tuesday the 9th and
18 they talked about him needing a room change, and
19 then she called on Wednesday morning the 10th to
20 Residence Life pretty upset saying this needed to
21 happen and that Bridgette and I were not getting
22 back to her quickly enough.

23 That morning we had a student die by
24 suicide and I was directly involved with that
25 on -- it took place on campus in a residence hall

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1 so Bridgette and I were rightfully prioritizing
2 that for two days. And so Maria Kanger reached
3 out to the mom to say -- and to [REDACTED] -- I am your
4 point person because right now Martha and
5 Bridgette are consumed with this student death,
6 so if you have questions, talk to me. So we just
7 kind of walked back through that event.

8 Q Do you remember anything else about what
9 Ms. Mulqueen said about the 9th and 10th and the
10 [REDACTED] that you haven't already told us?

11 A Not that I can remember.

12 Q Okay. Going back to mediation, who
13 decides to commence the mediation, who decides to
14 call the mediation? Is it the RAs or --

15 A Well, it could be the students. So like
16 in this case it was the student who went to their
17 RA and said, hey, I want to have a mediation
18 because I want to make sure we address these
19 points. An RA could determine that based on
20 hearing concerns from a roommate or some
21 residents, hey, this is to the point we need to
22 sit down and actually formalize this in a
23 mediation process. So one of those two are
24 usually the likely proponent.

25 Q So you said formalize. Are there any

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1 documents or anything generated as a result of a
2 mediation?

3 A No. When I say formal I mean that they
4 would have the meeting in a separate location, it
5 wouldn't be in the hallway at night, it would be
6 in a conference room, an academic setting, where
7 all the people involved have to show up, the RA.
8 The RA would take notes but those are not given
9 to the residents afterward, they are used for the
10 RA then to discuss with his or her or their
11 community director, the professional staff member
12 that lives in the building.

13 Q Okay.

14 MR. LITTLE: Let's take a
15 five-minute break, I am going to talk to Regina
16 and then we will decide what we are going to
17 do, but I think we are pretty close to being done
18 with our questions. Libby may have some
19 questions for you.

20 MS. ROBERTS: Okay.

21 (Short recess.)

22 Q We were talking about academic
23 accommodations, is it possible for Butler to move
24 the complaining party's rooms? You know, like
25 move their dorm rooms?

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1 A The complaining party's room?

2 Q Yeah, so in a Title IX situation can
3 Butler move the complaining party?

4 A I don't know what the Title IX process is
5 to determine who gets moved. I can't speak to
6 that.

7 Q Okay. I guess what I am asking is for
8 academic accommodations for students in a
9 grievance process, is it possible for Butler to
10 move the complaining party out of a class, for
11 example? Like there is two students in a class,
12 the complainant and the respondent, can the
13 complainant be moved to a different class or is
14 the accommodation always aimed at the responding
15 party?

16 A I think it depends on both students'
17 schedules. If they are in the same college, it
18 would be very challenging because they may have
19 the -- so the college of business, for example,
20 they may have the same classes and then they are
21 looking at what logically works. So I think
22 they would have to look at both, but I don't know
23 what their practice is.

24 Q Okay. And on the topic of academic
25 accommodations for students in the grievance

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1 process, is there anything else that you want to
2 tell me?

3 A No, I am happy to answer any questions.
4 Unless you have something specific, I am not sure
5 what I would add.

6 Q Okay. What about on mediations, is there
7 anything else that you would like to add or let
8 me know?

9 A I think the mediation with [REDACTED] was
10 thorough in that there was a lot of -- the RAs'
11 goals were to offer support services, you know,
12 counseling center, campus resources, and they did
13 and he took advantage of those.

14 Q What specific services do you believe
15 [REDACTED] took advantage of?

16 A The counseling center. They followed up
17 with him the next day. So the RAs met, they had
18 the mediation, and then they kept him after to
19 make sure he was okay and talk with him and offer
20 support services, for example, the counseling
21 center, and he made an appointment and was there
22 that next week.

23 Q How do you know that?

24 A Because I talked to the director of the
25 counseling center who met with him.

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1 Q Who is that?

2 A Dr. Keith Magnus.

3 Q Okay. When did you talk to Dr. Keith
4 Magnus?

5 A It was an E-mail during the day of the
6 student death because we were E-mailing about
7 that and he just said, by the way, I got
8 permission to confirm that I met with [REDACTED] and --
9 so it was a once -- it was an E-mail.

10 Q Okay. Did you have any other
11 conversations with Magnus you said?

12 A It is Magnus.

13 Q Magnus?

14 A No, I did not.

15 Q All right. Is there anything else on the
16 topic of mediation that you think I should know?

17 A I can't think of anything, no.

18 Q Okay. And then we can conclude the
19 30(B)(6) deposition and just the same question in
20 your personal capacity, is there anything else
21 about this situation that you would like to tell
22 me?

23 A I can't think of anything, no.

24 Q Okay.

25 MR. LITTLE: I don't have any

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1 other questions.

2 MS. ROBERTS: No questions.

3 MR. LITTLE: Okay. So, ma'am, you
4 can -- Libby, do you want to have her sign?

5 MS. ROBERTS: Yes, we will take
6 signature.

7 MR. LITTLE: Okay. That's it.

8

9 (Deposition concluded at 11:20 a.m.)

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1 DEPOSITION ERRATA SHEET

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1 STATE OF INDIANA)

2) ss:

3 COUNTY OF BOONE)

4

5 CERTIFICATE

6 I, Heather Orbaugh, CSR, a Notary Public
7 in and for the County of Boone, State of Indiana,
8 maintaining an office in Boone County, Indiana,
9 do hereby certify the following:

10

11 That the witness herein, MARTHA DZIWLICK,
12 was first duly sworn to tell the truth, the whole
13 truth and nothing but the truth in the foregoing
14 deposition;

15

16 That all testimony was taken down in
17 stenographic notes and afterward reduced to
18 typewritten form under my direction and then
19 presented to counsel for the purpose of obtaining
20 the deponent's signature;

21

22 That I recorded and transcribed any and
23 all objections made by counsel and the reasons
24 therefore; and

25

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1 That I am not a relative or employee,
2 attorney or counsel of any of the parties, nor a
3 relative or employee of such attorney or counsel,
4 nor am I financially interested in this action.

5

6

7 IN WITNESS HEREOF, I have hereunto set my
8 hand and affixed my Notarial Seal this 31st day
9 of July, 2023.

10

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14

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Heather S. Orbaugh, CSR
Notary Public
(Electronically signed)

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23 Commission Number: NP0712173

24 County of Residence: Boone

25 My Commission Expires on: April 4, 2026